

AMENDED IN SENATE MARCH 28, 2007

**SENATE BILL**

**No. 822**

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**Introduced by Senator Aanestad**  
**(Coauthors: Senators Romero and Lowenthal)**

February 23, 2007

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An act to amend ~~Section 2914.3~~ of Sections 2902, 2904, 2960, 4040, 4502, 4502.1, and 4502.2 of, and to add Sections 2949, 2949.2, 2949.3, 2949.4, and 2949.5 to, the Business and Professions Code, relating to psychology.

LEGISLATIVE COUNSEL'S DIGEST

SB 822, as amended, Aanestad. Psychology.

*The Psychology Licensing Law provides for the licensure and regulation of psychologists by the Board of Psychology, and the Pharmacy Law provides for the regulation of prescription drug and medical device dispensing by the California State Board of Pharmacy. The Psychology Licensing Law provides that the practice of psychology does not include the prescribing of drugs and does not authorize a psychologist to prescribe drugs or write prescriptions. Existing law additionally makes a violation of its provisions a crime and unprofessional conduct, constituting grounds for disciplinary action by the Board of Psychology.*

*This bill would revise these provisions to authorize a certified prescribing psychologist, as defined, to prescribe drugs for the treatment of disorders related to the practice of a certified psychologist if certain requirements are met. This bill would require the Board of Psychology to establish and administer a certification process to grant licensed psychologists the authority to write prescriptions, and would require an applicant for certification as a prescribing psychologist to meet*

*specified education and training requirements, including requirements of clinical competency, and passing a nationally recognized examination approved and administered by the board. The bill would require the board to charge fees for the issuance and renewal of a certificate to cover the costs of administering the certification process and the examination, and would provide for the deposit of these fees in the Psychology Fund. The bill would require the board to establish requirements for the renewal of a certificate, including continuing education requirements, and to provide certain information to the California State Board of Pharmacy, including a list of psychologists certified to prescribe drugs. The bill would also require an approved education or training program to meet specified requirements, including providing certain reports to the board.*

*This bill would include as unprofessional conduct, subject to disciplinary action by the board, a violation of particular provisions of law relating to the prescribing of drugs.*

*By adding these provisions, this bill would impose a state-mandated local program by creating new crimes.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

~~Existing law provides for the licensure and regulation of the practice of psychology by the Board of Psychology. Under existing law, the board is required to encourage institutions offering doctorate degree programs in psychology to include education and training in psychopharmacology and related topics. Under existing law, the board is also required to develop education and training guidelines for psychologists whose practice includes patients who may require psychopharmacological treatment.~~

~~This bill would make technical, nonsubstantive changes to those provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.  
State-mandated local program: ~~no~~ yes.

*The people of the State of California do enact as follows:*

1     *SECTION 1. The Legislature hereby finds and declares all of*  
2     *the following:*

3     *(a) According to the National Institute for Mental Health, one*  
4     *in four individuals suffer from a diagnosable mental illness in a*  
5     *given year, and one in 17 suffers from a severe mental illness.*

6     *(b) According to the American Board of Medical Specialties*  
7     *Directory of Board Certified Medical Specialists, there are 11*  
8     *California counties with no psychiatrist and an additional 17*  
9     *California counties with five or fewer psychiatrists in residence.*

10    *(c) Currently, there are 49 counties that have areas that are*  
11    *eligible for designation as California Health Professional Shortage*  
12    *Areas for mental health treatment, based upon the national*  
13    *definition of areas that have fewer than one psychiatrist for every*  
14    *30,000 residents, which represents nearly 85 percent of the*  
15    *counties in the state.*

16    *(d) According to the American Journal of Psychiatry, more than*  
17    *80 percent of all psychotropic drug prescriptions are written by*  
18    *nonpsychiatrists with limited training in mental health.*

19    *(e) Californians living in rural areas face unique and*  
20    *challenging mental health and family problems, and they are often*  
21    *underserved by health care practitioners. Psychologists practicing*  
22    *with primary care groups have been effective in addressing the*  
23    *mental health problems of rural Californians.*

24    *(f) California's prison and state operated mental health facilities*  
25    *have experienced severe shortages of psychiatrists, with systemwide*  
26    *vacancies for the California Department of Corrections and*  
27    *Rehabilitation (CDCR) at 67 percent in September 2006, and for*  
28    *the State Department of Mental Health at 40 percent in February*  
29    *2007.*

30    *(g) As a result of the severe shortages, patient care has been*  
31    *compromised and CDCR, with over 32,000 mentally ill patients,*  
32    *is in federal receivership for poor health and mental health care.*

33    *(h) In 1990, the Public Citizen Health Research Group*  
34    *published a report entitled "Care of the Seriously Mentally Ill, A*  
35    *Rating of State Programs." The Public Citizen Health Research*  
36    *Group recommended that psychologists, physician assistants, and*  
37    *nurse practitioners be allowed to obtain additional training and*

1 *to prescribe medications to help meet the needs of mentally ill*  
2 *persons.*

3 *(i) The Legislature, in order to increase the availability of*  
4 *services to patients, has placed into law the authority for*  
5 *optometrists, dentists, naturopaths, and nurse practitioners to*  
6 *prescribe or order medications in a limited capacity. The*  
7 *Legislature has also extended authority for physician assistants*  
8 *to administer medications, and transmit prescriptions for*  
9 *medications, to patients upon the order of a physician and surgeon*  
10 *or within a specified protocol.*

11 *(j) Since 1978, when psychologists were statutorily granted the*  
12 *right to serve on hospital medical staffs, psychologists have become*  
13 *increasingly important in overseeing care for mentally ill and*  
14 *disordered patients in health care facilities.*

15 *(k) As a prerequisite to licensure, clinical psychologists are*  
16 *required to obtain more specific education and training in the*  
17 *identification of mental disorders and illnesses than any other*  
18 *mental health care professional.*

19 *(l) Section 2914.3 of the Business and Professions Code directed*  
20 *the Board of Psychology to develop guidelines for psychologists*  
21 *to discuss medication management with their patients and the*  
22 *patient's physician or licensed prescriber.*

23 *(m) Psychologists are trained to assess behavioral and cognitive*  
24 *changes in a scientific manner. This knowledge, combined with*  
25 *the ability to discontinue inappropriate medication, ensures*  
26 *psychologists will be better trained to contribute to the welfare of*  
27 *all mentally ill and disordered persons, including the elderly and*  
28 *the groups who have limited access to care.*

29 *(n) Psychologists have been prescribing medication in the*  
30 *United States Department of Defense since 1991, and have seen*  
31 *over 160,000 patients with no deaths and no adverse outcomes.*

32 *(o) Psychologists are authorized to prescribe medication in*  
33 *New Mexico, Louisiana, and the United States territory of Guam,*  
34 *and have written over 40,000 prescriptions with no deaths and no*  
35 *adverse outcomes.*

36 *(p) In order to meet the increasing demands for services to*  
37 *mentally ill and disordered persons in California, it is the intent*  
38 *of the Legislature to support a program whereby psychologists*  
39 *who choose to receive the appropriate education and training may*  
40 *prescribe medications for their patients who require that treatment.*

1     SEC. 2. *Section 2902 of the Business and Professions Code is*  
2 *amended to read:*

3     2902. As used in this chapter, unless the context clearly requires  
4 otherwise and except as in this chapter expressly otherwise  
5 provided, the following definitions apply:

6     (a) “Licensed psychologist” means an individual to whom a  
7 license has been issued pursuant to the provisions of this chapter,  
8 which license is in force and has not been suspended or revoked.

9     (b) “Board” means the Board of Psychology.

10    (c) A person represents himself or herself to be a psychologist  
11 when the person holds himself or herself out to the public by any  
12 title or description of services incorporating the words  
13 “psychology,” “psychological,” “psychologist,” “psychology  
14 consultation,” “psychology consultant,” “psychometry,”  
15 “psychometrics” or “psychometrist,” “psychotherapy,”  
16 “psychotherapist,” “psychoanalysis,” or “psychoanalyst,” or when  
17 the person holds himself or herself out to be trained, experienced,  
18 or an expert in the field of psychology.

19    (d) “Accredited,” as used with reference to academic institutions,  
20 means the University of California, the California State University,  
21 *an institution that is accredited under Section 94761 of the*  
22 *Education Code*, or an institution that is *located in another state*  
23 *and that is* accredited by a national or an applicable regional  
24 accrediting agency recognized by the United States Department  
25 of Education.

26    (e) “Approved,” as used with reference to academic institutions,  
27 means an institution ~~having “approval to operate,” as defined in~~  
28 ~~Section 94718 approved under Section 94800~~ of the Education  
29 Code.

30    (f) “*Prescriptive authority*” means the authority to prescribe,  
31 *discontinue, order, administer or dispense without charge, drugs*  
32 *or controlled substances recognized for, or customarily used in,*  
33 *the inpatient or outpatient diagnosis, treatment, or evaluation and*  
34 *management of individuals with psychiatric, mental, cognitive,*  
35 *nervous, emotional, addictive, developmental, or behavioral*  
36 *disorders, and to order or utilize other procedures, consultations,*  
37 *devices, and tests related thereto in accordance with rules and*  
38 *regulations adopted by the Board of Psychology.*

39    (g) “Health service provider” means a licensed psychologist  
40 who is duly trained and experienced in the delivery of preventive,

1 *assessment, diagnostic, and therapeutic intervention services*  
2 *relative to the psychological and physical health of consumers and*  
3 *who has done all of the following:*

4 *(1) Completed scientific and professional training resulting in*  
5 *a doctoral degree in psychology from a regionally accredited*  
6 *school or, before January 1, 2003, from a state-approved school.*

7 *(2) Completed an internship and supervised experience in health*  
8 *care settings.*

9 *(3) Been licensed as a psychologist at the independent practice*  
10 *level.*

11 *(h) “Prescribing psychologist” means a health service provider*  
12 *who has received from the board, pursuant to Section 2949, a valid*  
13 *certificate granting prescriptive authority, and whose certificate*  
14 *has not been revoked or suspended.*

15 *(i) “Drug” has the same meaning as provided in Section 4025,*  
16 *and includes controlled substances and dangerous drugs, as*  
17 *defined in Sections 4021 and 4022, respectively.*

18 *(j) “Device” has the same meaning as provided in Section 4023,*  
19 *and includes dangerous devices, as defined in Section 4022.*

20 *(k) “Prescription” has the same meaning as provided in Sections*  
21 *4040 and 4070.*

22 *SEC. 3. Section 2904 of the Business and Professions Code is*  
23 *amended to read:*

24 *2904. The practice of psychology shall not include ~~prescribing~~*  
25 *~~drugs, performing surgery or administering electroconvulsive~~*  
26 *~~therapy.~~ any of the following:*

27 *(a) Prescribing drugs, except for those prescribed by prescribing*  
28 *psychologists, as defined in Section 2902, certified pursuant to*  
29 *Section 2949.*

30 *(b) Performing surgery.*

31 *(c) Administering electroconvulsive therapy.*

32 *SEC. 4. Section 2949 is added to the Business and Professions*  
33 *Code, to read:*

34 *2949. (a) The board shall establish and administer a*  
35 *certification process to grant licensed psychologists prescriptive*  
36 *authority. The board shall also develop a procedure for*  
37 *psychologists-in-training to prescribe under the supervision and*  
38 *license of a qualified prescriber. The board shall develop*  
39 *procedures for certification, and shall develop procedures for the*  
40 *administration of an appropriate, valid, nationally recognized*

1 examination, such as the American Psychological Association  
2 Practice Organization's College of Professional Psychology  
3 examination, approved by the board. The board shall charge  
4 applicants reasonable fees for the issuance of, and renewal of, a  
5 certificate in order to cover the costs of administering the  
6 certification process and the examination. These fees shall be  
7 deposited in the Psychology Fund.

8 (b) Each applicant for certification as a "prescribing  
9 psychologist," as defined in subdivision (g) of Section 2902, shall  
10 show by official transcript or other official evidence satisfactory  
11 to the board that he or she has successfully completed both of the  
12 following:

13 (1) An organized and planned sequence of  
14 psychopharmacological training resulting in a Master's degree  
15 in psychopharmacology from a regionally accredited institution  
16 of higher learning approved by the board, or training from an  
17 approved provider of continuing education that has been  
18 designated and approved by the board as providing an organized  
19 and planned program of appropriate training consistent with the  
20 American Psychological Association's (APA) training guidelines  
21 for prescriptive authority. In its discretion, the board may certify  
22 a psychologist from a federal or other state jurisdiction that has  
23 authorized the psychologist to prescribe if the board determines  
24 that the psychologist has practiced safely and effectively. Also, the  
25 board may, in its discretion, certify a psychologist to practice as  
26 a prescribing psychologist if the psychologist has lawfully  
27 prescribed under another professional license that authorizes  
28 prescribing, and the training and experience under the other  
29 license is consistent with the training standards required for a  
30 prescribing psychologist. At the discretion of the board, approved  
31 programs may give credit for required didactic science courses  
32 taken at other educational institutions that would meet the  
33 educational requirements of the program. Coursework shall be  
34 consistent with the most current APA training guidelines, and shall  
35 include education in all of the following subjects:

36 (A) Basic science, including anatomy, physiology, and  
37 biochemistry.

38 (B) Neurosciences, including neuroanatomy, neurophysiology,  
39 and neurochemistry.

- 1 (C) *Physical assessment and laboratory examinations, including*  
2 *the following:*  
3 (i) *Physical assessment.*  
4 (ii) *Laboratory and radiological assessment.*  
5 (iii) *Medical terminology and documentation.*  
6 (iv) *Integration of the subjects in clauses (i) to (iii), inclusive,*  
7 *through supervised clinical experience or laboratory experience*  
8 *in conducting physical examinations, ordering psychometric and*  
9 *laboratory tests, and understanding results and interpretation.*  
10 (D) *Clinical medicine and pathophysiology, including the*  
11 *following:*  
12 (i) *Pathophysiology, with particular emphasis on cardiac, renal,*  
13 *hepatic, neurologic, gastrointestinal, hematologic, dermatologic,*  
14 *and endocrine systems.*  
15 (ii) *Clinical medicine, with particular emphasis on signs,*  
16 *symptoms, and treatment of disease states with behavioral and*  
17 *psychiatric manifestations or comorbidities.*  
18 (iii) *Differential diagnosis.*  
19 (iv) *Clinical correlations.*  
20 (v) *Chemical dependency and chronic pain management.*  
21 (vi) *Integration of the subjects in clauses (i) to (v), inclusive,*  
22 *through supervised clinical experience or laboratory experience*  
23 *in taking medical history, assessment for differential diagnosis,*  
24 *and review of systems.*  
25 (E) *Clinical and research pharmacology and*  
26 *psychopharmacology, including the following:*  
27 (i) *Pharmacology.*  
28 (ii) *Clinical pharmacology.*  
29 (iii) *Pharmacogenetics.*  
30 (iv) *Psychopharmacology.*  
31 (v) *Developmental psychopharmacology.*  
32 (vi) *Integration of the subjects in clauses (i) to (v), inclusive,*  
33 *through supervised clinical experience or laboratory experience*  
34 *in clinical medicine and ongoing treatment monitoring and*  
35 *evaluation.*  
36 (F) *Clinical pharmacotherapeutics, including the following as*  
37 *related to pharmacotherapeutics:*  
38 (i) *Professional, ethical, and legal issues.*  
39 (ii) *Combined therapies, such as psychotherapy and*  
40 *pharmacotherapy interactions.*



1     (iii) *Computer-based aids to practice.*

2     (iv) *Pharmacoepidemiology.*

3     (v) *Integration of clauses (i) to (iv), inclusive, through*  
4 *supervised clinical experience or laboratory experience in*  
5 *integrated treatment planning and consultation and the*  
6 *implications of treatment.*

7     (G) *Research, including the following:*

8         (i) *Methodology and design of psychopharmacological research.*

9         (ii) *Interpretation and evaluation of psychopharmacological*  
10 *research.*

11         (iii) *Federal Food and Drug Agency drug development and*  
12 *other regulatory processes.*

13     (2) *Relevant supervised clinical experience to obtain competency*  
14 *in prescribing and in psychopharmacological treatment of a diverse*  
15 *patient population under the direction of qualified prescribers, as*  
16 *determined by the board. The supervised clinical experience is*  
17 *intended to be an intensive, closely supervised experience.*  
18 *Approved programs shall commit to providing training courses*  
19 *and experiences that encourage sensitivity to the interactions*  
20 *between pharmacological and psychological interventions with*  
21 *the developmental status, gender, health status, culture, and*  
22 *ethnicity of patients. The supervised experience shall be an*  
23 *organized sequence of education and training that provides an*  
24 *integrative approach to learning, as well as the opportunity to*  
25 *assess competencies in skills and applied knowledge. The intent*  
26 *of the supervised clinical experience shall be both the following:*

27         (A) *To provide ongoing integration of didactic and applied*  
28 *clinical knowledge throughout the learning sequence, including*  
29 *ample opportunities for practical learning and clinical application*  
30 *of skills.*

31         (B) *To provide opportunity for programs to assess formative*  
32 *and summative clinical competency in skills and applied*  
33 *knowledge. The clinical competencies targeted by this experience*  
34 *shall include all of the following:*

35             (i) *Physical examination and mental status evaluation, including*  
36 *knowledge and execution of elements and sequence of both*  
37 *comprehensive and focused physical examination and mental status*  
38 *evaluation, proper use of instruments used in physical examination,*  
39 *such as stethoscopes and blood pressure measurement devices,*

- 1 *and scope of knowledge gained from physical examination and*  
2 *mental status examination.*
- 3 *(ii) Review of systems, including knowledge and ability to*  
4 *systematically describe the process of integrating information*  
5 *learned from patient reports, signs, symptoms, and a review of*  
6 *each of the major body systems.*
- 7 *(iii) Medical history interview and documentation, including*  
8 *the ability to systematically conduct a patient clinical interview*  
9 *producing a personal and family medical history, and to*  
10 *communicate the findings in written and verbal form.*
- 11 *(iv) Assessment indications and interpretation, including the*  
12 *ability to order and interpret appropriate tests, such as*  
13 *psychometric, laboratory, and radiological tests, for the purpose*  
14 *of making a differential diagnosis and for monitoring therapeutic*  
15 *and adverse effects of treatment.*
- 16 *(v) Differential diagnosis, including use of appropriate*  
17 *processes, including established diagnostic criteria such as ICD-9*  
18 *and DSM-IV, to determine primary and alternate diagnoses.*
- 19 *(vi) Integrated treatment planning, including the ability to*  
20 *identify and select, using all available data, the most appropriate*  
21 *treatment alternatives and to sequence treatment within the larger*  
22 *biopsychosocial context.*
- 23 *(vii) Consultation and collaboration, including understanding*  
24 *of the parameters of the role of the prescribing psychologist or*  
25 *medical psychologist and working with other professionals in an*  
26 *advisory or collaborative manner to effect treatment of a patient.*
- 27 *(viii) Treatment management, including application, monitoring,*  
28 *and modification, as needed, of treatment.*
- 29 *(d) The supervised clinical experience required subdivision (b)*  
30 *should also meet the following requirements:*
- 31 *(1) The range of diagnostic categories, settings, and*  
32 *developmental status, gender, health status, and ethnicity reflected*  
33 *in the patients seen in connection with the supervised clinical*  
34 *experience required by this section should be appropriate to the*  
35 *current and anticipated practice of the trainee. It should allow the*  
36 *trainee to gain exposure to acute, short-term, and maintenance*  
37 *medication strategies.*
- 38 *(2) Prior to being granted certification as a prescribing*  
39 *psychologist, a trainee shall obtain supervised clinical experience*  
40 *with a sufficient range and number of patients in order to*

1 *demonstrate threshold performance levels for each of the*  
2 *competency areas. In order to achieve the complex clinical*  
3 *competency skills required for independent prescribing, a minimal*  
4 *number of supervised patient contact hours shall be completed.*

5 *(3) A trainee shall only recommend or prescribe drugs or*  
6 *devices in consultation with, or under the supervision of, a person*  
7 *with demonstrated skill and experience in clinical*  
8 *psychopharmacology who is authorized to recommend or prescribe*  
9 *the drugs or devices and in accordance with other applicable laws.*

10 *(e) An approved program shall be subject to the following*  
11 *requirements:*

12 *(1) The program shall provide the board with a report for each*  
13 *applicant that includes all of the following information:*

14 *(A) The total number of supervised clinical experience hours*  
15 *that students experience, separating face-to-face patient contacts*  
16 *versus other clinical experiences, including each clinical*  
17 *competency required.*

18 *(B) A description of the method and appropriate benchmarks*  
19 *for assuring each clinical competency. Methods may include*  
20 *performing basic physical examinations, case presentations, or*  
21 *patient simulations based on actual patients and patients for whom*  
22 *the trainee assumes direct psychological responsibility.*

23 *(2) The program shall provide final approval of the supervised*  
24 *clinical experience of an applicant.*

25 *(3) Supervised clinical experience may be integrated into each*  
26 *level of a trainee's education and training, provided in a final*  
27 *summative practical experience, or provided in a combination of*  
28 *those methods according to the design of the program.*

29 *(f) A trainee shall demonstrate competency in his or her ability*  
30 *to integrate didactic learning and applied clinical skill in a*  
31 *capstone competency evaluation prior to being certified as a*  
32 *prescribing psychologist.*

33 *(g) A prescribing psychologist shall maintain competency*  
34 *through continuing education over the lifespan of maintaining and*  
35 *practicing in prescriptive authority or collaborative activities with*  
36 *other prescribers.*

37 *SEC. 5. Section 2949.2 is added to the Business and Professions*  
38 *Code, to read:*

1     2949.2. (a) *The board, shall set forth the requirements for*  
2 *renewal of a certificate of a prescribing psychologist for each*  
3 *license renewal period.*

4     (b) *Each applicant for renewal of a certificate for prescriptive*  
5 *authority shall present evidence of having completed approved*  
6 *mandatory continuing education in the area of*  
7 *psychopharmacology and related prescribing practice as set forth*  
8 *by the board.*

9     SEC. 6. *Section 2949.3 is added to the Business and Professions*  
10 *Code, to read:*

11     2949.3. (a) *Each prescribing psychologist shall comply with*  
12 *all state and federal rules and regulations relating to the*  
13 *prescribing, dispensing, and recordkeeping for drugs or devices,*  
14 *as defined in Sections 4021, 4022, 4023, 4025, and 4055, and other*  
15 *applicable provisions of law. If the board determines that it would*  
16 *facilitate administration of the provisions governing prescribing*  
17 *psychologists to identify a prescribing psychologist by another*  
18 *name that is consistent with other jurisdictions, it may do so.*

19     (b) *A written order of a prescribing psychologist shall include*  
20 *his or her prescribing identification number, which shall be*  
21 *assigned by the board to any certified prescribing psychologist.*

22     (c) *A prescribing psychologist shall not delegate the prescribing*  
23 *of medication to any other person except for a supervised trainee*  
24 *in a recognized training program for prescribing psychologists.*

25     (d) *Records of all prescriptions shall be maintained in a*  
26 *prescribing psychologists client records.*

27     SEC. 7. *Section 2949.4 is added to the Business and Professions*  
28 *Code, to read:*

29     2949.4. (a) *The board shall annually transmit to the California*  
30 *State Board of Pharmacy a list of prescribing psychologists*  
31 *containing, at a minimum, all of the following information:*

32     (1) *The name of the prescribing psychologist.*

33     (2) *The unique identification number indicating certification of*  
34 *the prescribing psychologist to prescribe.*

35     (3) *The effective date of prescribing psychologists prescriptive*  
36 *authority.*

37     (b) *The board shall promptly forward to the California State*  
38 *Board of Pharmacy the names and identification numbers of*  
39 *prescribing psychologists added to or deleted from the annual list*  
40 *of psychologists certified to prescribe.*

1 (c) *The board shall notify the California State Board of*  
2 *Pharmacy in a timely manner upon termination, suspension, or*  
3 *reinstatement of a psychologist's authority to prescribe.*

4 SEC. 8. *Section 2949.5 is added to the Business and Professions*  
5 *Code, to read:*

6 2949.5. *Nothing in this chapter shall be construed to authorize*  
7 *a prescribing psychologist to prescribe medications other than*  
8 *those generally recognized for the treatment of disorders within*  
9 *the scope of practice of a psychologist, as defined in Section 2903.*

10 SEC. 9. *Section 2960 of the Business and Professions Code is*  
11 *amended to read:*

12 2960. The board may refuse to issue any registration or license,  
13 or may issue a registration or license with terms and conditions,  
14 or may suspend or revoke the registration or license of any  
15 registrant or licensee if the applicant, registrant, or licensee has  
16 been guilty of unprofessional conduct. Unprofessional conduct  
17 shall include, but not be limited to, *all of the following:*

18 (a) Conviction of a crime substantially related to the  
19 qualifications, functions or duties of a psychologist or  
20 psychological assistant.

21 (b) Use of any controlled substance as defined in Division 10  
22 (commencing with Section 11000) of the Health and Safety Code,  
23 or dangerous drug, or any alcoholic beverage to an extent or in a  
24 manner dangerous to himself or herself, any other person, or the  
25 public, or to an extent that this use impairs his or her ability to  
26 perform the work of a psychologist with safety to the public.

27 (c) Fraudulently or neglectfully misrepresenting the type or  
28 status of license or registration actually held.

29 (d) Impersonating another person holding a psychology license  
30 or allowing another person to use his or her license or registration.

31 (e) Using fraud or deception in applying for a license or  
32 registration or in passing the examination provided for in this  
33 chapter.

34 (f) Paying, or offering to pay, accepting, or soliciting any  
35 consideration, compensation, or remuneration, whether monetary  
36 or otherwise, for the referral of clients.

37 (g) Violating Section 17500.

38 (h) Willful, unauthorized communication of information  
39 received in professional confidence.

1 (i) Violating any rule of professional conduct promulgated by  
2 the board and set forth in regulations duly adopted under this  
3 chapter.

4 (j) Being grossly negligent in the practice of his or her  
5 profession.

6 (k) Violating any of the provisions of this chapter or regulations  
7 duly adopted thereunder.

8 (l) The aiding or abetting of any person to engage in the unlawful  
9 practice of psychology.

10 (m) The suspension, revocation or imposition of probationary  
11 conditions by another state or country of a license or certificate to  
12 practice psychology or as a psychological assistant issued by that  
13 state or country to a person also holding a license or registration  
14 issued under this chapter if the act for which the disciplinary action  
15 was taken constitutes a violation of this section.

16 (n) The commission of any dishonest, corrupt, or fraudulent act.

17 (o) Any act of sexual abuse, or sexual relations with a patient  
18 or former patient within two years following termination of therapy,  
19 or sexual misconduct that is substantially related to the  
20 qualifications, functions or duties of a psychologist or  
21 psychological assistant or registered psychologist.

22 (p) Functioning outside of his or her particular field or fields of  
23 competence as established by his or her education, training, and  
24 experience.

25 (q) Willful failure to submit, on behalf of an applicant for  
26 licensure, verification of supervised experience to the board.

27 (r) Repeated acts of negligence.

28 (s) *Violating Section 2949.3.*

29 *SEC. 10. Section 4040 of the Business and Professions Code*  
30 *is amended to read:*

31 4040. (a) "Prescription" means an oral, written, or electronic  
32 transmission order that is both of the following:

33 (1) Given individually for the person or persons for whom  
34 ordered that includes all of the following:

35 (A) The name or names and address of the patient or patients.

36 (B) The name and quantity of the drug or device prescribed and  
37 the directions for use.

38 (C) The date of issue.

39 (D) Either rubber stamped, typed, or printed by hand or typeset,  
40 the name, address, and telephone number of the prescriber, his or

1 her license classification, and his or her federal registry number,  
2 if a controlled substance is prescribed.

3 (E) A legible, clear notice of the condition for which the drug  
4 is being prescribed, if requested by the patient or patients.

5 (F) If in writing, signed by the prescriber *or health care*  
6 *practitioner* issuing the order, ~~or the certified nurse-midwife, nurse~~  
7 ~~practitioner, physician assistant, or naturopathic doctor who issues~~  
8 ~~a drug order pursuant to Section 2746.51, 2836.1, 3502.1, or~~  
9 ~~3640.5, respectively, or the pharmacist who issues a drug order~~  
10 ~~pursuant to either subparagraph (D) of paragraph (4) of, or clause~~  
11 ~~(iv) of subparagraph (A) of paragraph (5) of, subdivision (a) of~~  
12 ~~Section 4052.~~

13 (2) Issued by a physician, dentist, optometrist, podiatrist,  
14 veterinarian, *prescribing psychologist*, or naturopathic doctor  
15 pursuant to Section 3640.7 or, if a drug order is issued pursuant  
16 to Section 2746.51, 2836.1, 3502.1, or 3460.5, by a certified  
17 nurse-midwife, nurse practitioner, physician assistant, or  
18 naturopathic doctor licensed in this state, or pursuant to either  
19 subparagraph (D) of paragraph (4) of, or clause (iv) of  
20 subparagraph (A) of paragraph (5) of, subdivision (a) of Section  
21 4052 by a pharmacist licensed in this state.

22 (b) Notwithstanding subdivision (a), a written order of the  
23 prescriber for a dangerous drug, except for any Schedule II  
24 controlled substance, that contains at least the name and signature  
25 of the prescriber, the name *or names* and address of the patient *or*  
26 *patients* in a manner consistent with paragraph (3) of subdivision  
27 (b) of Section 11164 of the Health and Safety Code, the name and  
28 quantity of the drug prescribed, directions for use, and the date of  
29 issue may be treated as a prescription by the dispensing pharmacist  
30 as long as any additional information required by subdivision (a)  
31 is readily retrievable in the pharmacy. In the event of a conflict  
32 between this subdivision and Section 11164 of the Health and  
33 Safety Code, Section 11164 of the Health and Safety Code shall  
34 prevail.

35 (c) “Electronic transmission prescription” includes both image  
36 and data prescriptions. “Electronic image transmission  
37 prescription” means any prescription order for which a facsimile  
38 of the order is received by a pharmacy from a licensed prescriber.  
39 “Electronic data transmission prescription” means any prescription  
40 order, other than an electronic image transmission prescription,

1 that is electronically transmitted from a licensed prescriber to a  
2 pharmacy.

3 (d) The use of commonly used abbreviations shall not invalidate  
4 an otherwise valid prescription.

5 (e) Nothing in the amendments made to this section (formerly  
6 Section 4036) at the 1969 Regular Session of the Legislature shall  
7 be construed as expanding or limiting the right that a chiropractor,  
8 while acting within the scope of his or her license, may have to  
9 prescribe a device.

10 *SEC. 11. Section 4502 of the Business and Professions Code*  
11 *is amended to read:*

12 4502. As used in this chapter, “psychiatric technician” means  
13 any person who, for compensation or personal profit, implements  
14 procedures and techniques which involve understanding of cause  
15 and effect and which are used in the care, treatment, and  
16 rehabilitation of mentally ill, emotionally disturbed, or mentally  
17 retarded persons and who has one or more of the following:

18 (a) Direct responsibility for administering or implementing  
19 specific therapeutic procedures, techniques, treatments, or  
20 medications with the aim of enabling recipients or patients to make  
21 optimal use of their therapeutic regime, their social and personal  
22 resources, and their residential care.

23 (b) Direct responsibility for the application of interpersonal and  
24 technical skills in the observation and recognition of symptoms  
25 and reactions of recipients or patients, for the accurate recording  
26 of such symptoms and reactions, and for the carrying out of  
27 treatments and medications as prescribed by a licensed physician  
28 and surgeon ~~or a~~, psychiatrist, *or prescribing psychologist*.

29 The psychiatric technician in the performance of such procedures  
30 and techniques is responsible to the director of the service in which  
31 his duties are performed. The director may be a licensed physician  
32 and surgeon, psychiatrist, psychologist, rehabilitation therapist,  
33 social worker, registered nurse, or other professional personnel.

34 Nothing herein shall authorize a licensed psychiatric technician  
35 to practice medicine or surgery or to undertake the prevention,  
36 treatment or cure of disease, pain, injury, deformity, or mental or  
37 physical condition in violation of the law.

38 *SEC. 12. Section 4502.1 of the Business and Professions Code*  
39 *is amended to read:*



1 4502.1. A psychiatric technician, working in a mental health  
2 facility or developmental disability facility, when prescribed by a  
3 physician and surgeon *or prescribing psychologist*, may administer  
4 medications by hypodermic injection.

5 *SEC. 13. Section 4502.2 of the Business and Professions Code*  
6 *is amended to read:*

7 4502.2. A psychiatric technician, when prescribed by a  
8 physician and surgeon *or prescribing psychologist*, may withdraw  
9 blood from a patient with a mental illness or developmental  
10 disability if the psychiatric technician has received certification  
11 from the board that the psychiatric technician has completed a  
12 prescribed course of instruction approved by the board or has  
13 demonstrated competence to the satisfaction of the board.

14 *SEC. 14. No reimbursement is required by this act pursuant*  
15 *to Section 6 of Article XIII B of the California Constitution because*  
16 *the only costs that may be incurred by a local agency or school*  
17 *district will be incurred because this act creates a new crime or*  
18 *infraction, eliminates a crime or infraction, or changes the penalty*  
19 *for a crime or infraction, within the meaning of Section 17556 of*  
20 *the Government Code, or changes the definition of a crime within*  
21 *the meaning of Section 6 of Article XIII B of the California*  
22 *Constitution.*

23 ~~SECTION 1. Section 2914.3 of the Business and Professions~~  
24 ~~Code is amended to read:~~

25 ~~2914.3. (a) The board shall encourage institutions that offer~~  
26 ~~a doctorate degree program in psychology to include in their~~  
27 ~~biobehavioral curriculum, education and training in~~  
28 ~~psychopharmacology and related topics, including pharmacology~~  
29 ~~and clinical pharmacology.~~

30 ~~(b) The board shall develop guidelines for the basic education~~  
31 ~~and training of psychologists whose practices include patients with~~  
32 ~~medical conditions and patients with mental and emotional~~  
33 ~~disorders, who may require psychopharmacological treatment and~~  
34 ~~whose management may require collaboration with physicians and~~  
35 ~~other licensed prescribers. In developing these guidelines for basic~~  
36 ~~education and training, the board shall consider, but not be limited~~  
37 ~~to, all of the following:~~

38 ~~(1) The American Psychological Association's guidelines for~~  
39 ~~training in the biological bases of mental and emotional disorders.~~

- 1     ~~(2) The necessary educational foundation for understanding the~~
- 2     ~~biochemical and physiological bases for mental disorders.~~
- 3     ~~(3) Evaluation of the response to psychotropic compounds,~~
- 4     ~~including the effects and side effects.~~
- 5     ~~(4) Competent basic practical and theoretical knowledge of~~
- 6     ~~neuroanatomy, neurochemistry, and neurophysiology relevant to~~
- 7     ~~research and clinical practice.~~
- 8     ~~(5) Knowledge of the biological bases of psychopharmacology.~~
- 9     ~~(6) The locus of action of psychoactive substances and~~
- 10    ~~mechanisms by which these substances affect brain function and~~
- 11    ~~other systems of the body.~~
- 12    ~~(7) Knowledge of the psychopharmacology of classes of drugs~~
- 13    ~~commonly used to treat mental disorders.~~
- 14    ~~(8) Drugs that are commonly abused that may or may not have~~
- 15    ~~therapeutic uses.~~
- 16    ~~(9) Education of patients and significant support persons in the~~
- 17    ~~risks, benefits, and treatment alternatives to medication.~~
- 18    ~~(10) Appropriate collaboration or consultation with physicians~~
- 19    ~~or other prescribers to include the assessment of the need for~~
- 20    ~~additional treatment that may include medication or other medical~~
- 21    ~~evaluation and treatment and the patient's mental capacity to~~
- 22    ~~consent to additional treatment to enhance both the physical and~~
- 23    ~~the mental status of the persons being treated.~~
- 24    ~~(11) Knowledge of signs that warrant consideration for referral~~
- 25    ~~to a physician.~~
- 26    ~~(c) This section is intended to provide for training of clinical~~
- 27    ~~psychologists to improve the ability of clinical psychologists to~~
- 28    ~~collaborate with physicians. It is not intended to provide for~~
- 29    ~~training psychologists to prescribe medication. Nothing in this~~
- 30    ~~section is intended to expand the scope of licensure of~~
- 31    ~~psychologists.~~